

DIAA Board of Directors' Meeting Minutes
Thursday, November 10, 2011 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:15 a.m. by Gerald Kobasa, DIAA Chairperson.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Terre Taylor, Joe Thomson, Craig Eliassen, Laura Leone, Catherine Marvel, Harvey Hyland, Susan Coffing, Pam Love, Dr. Kevin Fitzgerald, Woody Long, Dr. Mark Holodick, Ron Eby, and Dr. Amelia Hodges. Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Dr. Rene Knight-Peguero, Curtis Bedford, Dave Thomas, Harvey Hyland and Edna Cale were unable to attend the meeting.

C. Approval of Agenda

Dr. Fitzgerald made a motion to approve the agenda. The motion was seconded by Mr. Eby and carried unanimously.

D. Approval of Minutes of October 13, 2011 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of October 13, 2011 Board of Directors' meeting. The motion was seconded by Dr. Fitzgerald and carried unanimously.

E. Financial Report

Mr. Charles presented the financial report for the period of October 4, 2011 through November 2, 2011. Mr. Charles advised that the income for the reporting period was \$29,250.00 and the overall income is \$118,677.01. Mr. Charles stated that the income is mostly from tournament fees and member dues. Mr. Charles stated that the expenses to date \$206,507.79 and for the reporting period are \$20,592.65. Mr. Charles stated that the expenses are mostly from purchase orders for upcoming tournament venues. Other expenses include publications, travel, and board expenses. Mr. Charles reported that the deficit is \$87,830.79 which is comparable to last year at this time. Mr. Thomson asked if the expenses for the executive director and the coordinator of officials to travel to the National Federation conferences were included in the financial report. Mr. Charles responded by explaining that all the expenses for the executive director are covered by the NFHS and the expenses for the coordinator of officials were in the report. Mr. Eliassen made a motion to accept the financial report. The

motion was seconded by Mr. Long and carried unanimously.

II. Public Comment

Harriellen Minnehan, president of the Board of Directors at Pencader Charter High School asked the Board to place their focus on a decision that was made at last month's Board meeting for Andrew Dynes and reconsider their decision to deny his waiver request. Ms. Minnehan explained that she has read all the materials and rules and regulations for DIAA. Ms. Minnehan explained that she is very familiar with both state and federal laws particularly NCLB, the no Child Left Behind law. Ms. Minnehan explained the situation around Andrew's move to Pencader. Ms. Minnehan also explained that Newark High School was put on academic watch and was the lowest ranking possible under the federal program. Ms. Minnehan reported that Pencader was ranked commendable the second highest rating. Ms. Minnehan explained that because of the low ranking Newark High School's principal sent letters to all the students with the ranking information and Ms. Minnehan explained her belief that any student in that school had the option to transfer to any higher performing school and that the law does not rule out transferring to a charter school. Ms. Minnehan explained her belief that Andrew Dynes did not need to apply for a waiver because NCLB allows students to transfer from low performing schools.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 26 tournament sanction requests which includes the Beast of the East Wrestling Tournament, 2 for cross country, 5 basketball, 6 indoor track, 1 outdoor track, 1 baseball, and 11 wrestling. Mr. Charles reviewed the requests and advised that to the best of his knowledge the sanction requests were in compliance with DIAA and the NFHS requirements. Dr. Fitzgerald made a motion to approve the sanctions. The motion was seconded by Mr. Eby and carried unanimously.

B. Request for Waiver of 1009.2.7 by Salesianum for L. C.

Student and student's parents were in attendance to present this request. Student's parents requested a closed hearing. Mr. Eby made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Ms. Marvel and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 12 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full

Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Ms. Taylor made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Ms. Marvel made a motion to come out of deliberation. The motion was seconded by Mr. Eby and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously. Dr. Holodick made a motion to go back into executive session. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Eliassen made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Thomson made a motion to deny the request because Student failed to meet his burden to establish a hardship and had no lost opportunity and already participated four years. The motion was seconded by Mr. Eby and carried by a vote of 11 – yes (Kobasa, Taylor, Thomson, Eliassen, Leone, Coffing, Love, Fitzgerald, Long, Holoidck, and Eby) and 1 – no (Marvel).

C. Request for Waiver of 1009.2.4 by Pencader for J. P.

Student; student's mother; Pencader School Board President, Harrie Ellen Minnehah; and Pencader athletic director, Brett Townsend were in attendance to present this request. Student's mother requested a closed hearing. Mr. Eby made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Thomson and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 12 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Ms. Coffing made a motion to go into deliberation. The motion was seconded by Mr. Long and carried unanimously. Mr. Eby made a motion to come out of

deliberation. The motion was seconded by Dr. Fitzgerald and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Long made a motion to deny the request because Student failed to meet his burden of proof and establish a hardship beyond his election, control, and creation and the evidence presented did not establish a hardship. The motion was seconded by Ms. Love and carried by a vote of 12 – yes (Kobasa, Taylor, Thomson, Eliassen, Leone, Coffing, Love, Fitzgerald, Long, Holodick, Marvel, and Eby) and 0 – no.

The Board recessed at 12:00 p.m. and reconvened at 12:20 p.m.

D. Request for Waiver of 1009.2.4 by Concord HS for T. D.

Student, student's parents, and Debbie Corrado; athletic director at Concord were in attendance to present this request. Student's parents requested a closed hearing. Dr. Holodick recused himself from this hearing. Dr. Fitzgerald made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Thomson and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 11 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Long made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Eby made a motion to approve the request because the student established a hardship beyond his election, control, and creation related his desire not to repeat grade 11 and to being dismissed from his previous school without apparent good cause. The motion was seconded by Mr. Eliassen and carried by a vote of 11 – yes (Kobasa, Taylor, Thomson, Eliassen, Leone, Coffing, Fitzgerald, Long, Love, Marvel, and Eby) and 1 – no (Marvel).

E. Request for Waiver of 1009.2.4 by Wilmington Christian for D. T.

Student, student's mother, and Douglas Haas; principal at Wilmington Christian were in attendance to present this request. Student's parent requested a closed hearing. Ms. Love recused herself from this hearing. Mr. Eby made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Dr. Fitzgerald and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 11 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Ms. Coffing made a motion to go into deliberation. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Dr. Fitzgerald and carried unanimously. Ms. Love was sworn in at this time. Mr. Eby made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously.

Mr. Long made a motion to approve the request based on a hardship established that was beyond his election, control and creation. The motion was seconded by Ms. Marvel and carried by a vote of 11 – yes (Kobasa, Taylor, Thomson, Eliassen, Loene, Coffing, Love, Fitzgerald, Long, Holodick, and Eby) and 0 – no.

G. Request for Waiver of 1009.2.4 by St. Marks for K. M.

Student, student's mother, Matt Smith; athletic director at St. Mark's High School, and Terre Taylor; principal at St. Mark's High School were in attendance to present this request. Student's parent requested a closed hearing. Ms. Taylor recused herself from this hearing. Mr. Eby made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Ms. Leone and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the

Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 11 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Thomson made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Eby made a motion to come out of deliberation. The motion was seconded by Ms. Leone and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously.

Mr. Long made a motion to approve the request based on that Student had met their burden and established a financial hardship. The motion was seconded by Ms. Leone and carried by a vote of 11 – yes (Kobasa, Thomson, Eliassen, Leone, Coffing, Love, Fitzgerald, Long, Holodick, and Eby) and 0 - no.

K. Consideration of Sportsmanship Committee Final Report

This item involves the Sportsmanship Committee's final report from the Dover CR November 2010 football game. Mr. Charles requested this item be deferred to the December Board meeting. The request to defer this item is made to accommodate a complaint made by a Dover parent to Sec. Lowery and allow the Board to review the information. A copy of the parent's complaint was given to each Board member for review. Mr. Charles stated delaying action will give the Board an opportunity to thoroughly review the complaint, allows the Secretary opportunity to respond, and gives the parent an opportunity if desired to present concerns in person at the December meeting.

H. Request for Waiver of 1009.2.4 by St. Marks for R. M.

Student, student's parents, Matt Smith; athletic director at St. Mark's High School, and Terre Taylor; principal at St. Mark's High School were in attendance to present this request. Student's parent requested a closed hearing. Ms. Taylor and Ms. Coffing recused themselves from this hearing. Mr. Eby made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was

seconded by Mr. Long and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 10 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Long made a motion to go into deliberation. The motion was seconded by Mr. Eby and carried unanimously. Ms. Leone made a motion to come out of deliberation. The motion was seconded by Mr. Long and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Thomson and carried unanimously.

Ms. Leone made a motion to approve the request because Student established hardship based on his family's experiences with the transformation at his sending school and how the situation impacted Student . The motion was seconded by Mr. Thomson and carried by a vote of 9 – yes (Kobasa, Thomson, Eliassen, Leone, Marvel, Love, Long, Holodick, Eby) 1 – no (Fitzgerald).

F. Request for Waiver of 1009.2.4 by Appoquinimink for C. B.

No one appeared for this waiver.

I. Request by DIAA Boys Lacrosse Committee to Fill Bracket

This item is deferred and will be placed on December's agenda.

J. Request by Eastside Charter School for DIAA Membership

This item is deferred and will be placed on December's agenda.

Items III. I. and III. J. will be placed on next month's agenda.

IV. Executive Director Report

A. Legal

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V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Eby made a motion to adjourn at 3:00 p.m. The motion was seconded by Mr. Thomson and carried unanimously.

Tina Hurley